

MARGIE L. RICE
Mayor

KERMIT MARSH
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY REGULAR MEETING

JUNE 13, 2007

6:00 – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

June 13, 2007

6:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 14731 Goldenwest Street; Agency Negotiator: Executive Director Ray Silver and Planning Manager Art Bashmakian; Negotiating Parties: Daniel Bani-Esralli, Golden Westminster Investment, LLC and Craig Franz and Rick Jelke, Harley-Davidson of Westminster; Under Negotiation: Price and Terms of Payment; and

- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Ray Silver and Interim Director of Personnel/Risk Management Chris Birch; Employee Organization: Westminster Municipal Employees Association (WMEA)

RECESS:

AGENDA

June 13, 2007

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency/Public Financing Authority of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, MARSH, FRY, QUACH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Fry

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

A. Presentation from Martha Parham, Public Information Officer, Coastline Community College, on the District's Utilization of Measure C monies.

AGENDA

June 13, 2007

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of May 16, 2007**
(Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Claim Against The City (Continued from the May 9, 2007 meeting)**
(Chris Birch)

RECOMMENDATION: Staff recommends the Mayor and City Council deny the claim against the City from Anne Belohovek in the amount of \$25,200.

- 1.3 **Increase Purchase Order with Ferguson, Praet & Sherman to Provide Legal Services for the City.** (Chris Birch)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order with Ferguson, Praet & Sherman in the amount of \$25,000.

- 1.4 **Increase Purchase Order with Haight, Brown and Bonesteel to Provide Legal Services to the City.** (Chris Birch)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order with Haight, Brown and Bonesteel in the amount of \$25,000.

- 1.5 **Revised Classification Specification – Research Analyst** (Chris Birch)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the amended classification specification for Research Analyst.

AGENDA

June 13, 2007

1. CONSENT CALENDAR (Continued)

1.6 (City/Agency) Agreement for Federal Legislative Consultant Services (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board approve an agreement with James F. McConnell in the amount of \$65,000 for the period of July 1, 2007 to June 30, 2008, and authorize the City Manager/Executive Director to execute the agreement on behalf of the City.

1.7 Notice of Completion for Work Performed by California Traffic Maintenance, Inc. for Maintenance/Service Agreement for Street Striping at Various Locations (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.8 Award of a Renewable Contract for New Water Meter Installation and Meter Exchange Program City-Wide – FY 2006-07 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract, with four (4) option year renewals to Atlas-Allied, Inc. in the amount of \$252,300; reject all other bids, and authorize the City Manager to execute the contract on behalf of the City.

1.9 (City/Agency) Fiscal Year 2007-08 Statement of Investment Policy (Paul Espinoza)

RECOMMENDATION: Staff recommends that the City Council/Agency Board approve the fiscal year 2007-2008 City of Westminster/Westminster Redevelopment Agency Statement of Investment Policy.

1.10 Amendment No. 1 to Contract for Animal Shelter Services for 2007-08 (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 1 to the Animal Shelter Services Contract with Dr. Samir Botros, doing business as Orange County Humane Society and AAA Animal Hospital in the amount of \$52,000, extending the term of the contract to June 30, 2008.

AGENDA

June 13, 2007

1. CONSENT CALENDAR (Continued)

1.11 Agreement to Transfer Property or Funds for the 2006 Homeland Security Grant Program Purposes (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an Agreement with the County of Orange to transfer property or funds for 2006 Homeland Security Grant Program Purposes and authorize the Chief of Police to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.12 Ordinance No. 2413 - An Ordinance of the Mayor and City Council of the City of Westminster amending certain time limitations with respect to the Westminster Commercial Redevelopment Project No. 1, for the Original Plan Area, Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, and Amendment No. 5 , pursuant to the provisions of Health and Safety Code Sections 33333.2(c) and 33333.6 (e)(2)(C). (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2413.

1.13 Ordinance No. 2414 - An Ordinance of the Mayor and City Council of the City of Westminster amending certain time limitations with respect to the Westminster Commercial Redevelopment Project No. 1, for the Original Plan Area and Amendment No. 1, pursuant to the provisions of Health and Safety Code Section 33333.6(e)(2)(D). (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2414.

1.14 Ordinance No. 2416 - An Ordinance of the Mayor and City Council of the City of Westminster Establishing Policies Regarding the Use of Eminent Domain for the Westminster Commercial Redevelopment Project No. 1 as Amended by Amendments One, Two, Three and Four and the Westminster Infrastructure Revitalization Project (Amendment Five) and Authorizing Recording of a Revised Statement of Proceedings for Each Redevelopment Project Area

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2416.

AGENDA

June 13, 2007

1. CONSENT CALENDAR (Continued)

- 1.15 Resolution No. 4088 - A Resolution of the Mayor and City Council of the City of Westminster Upholding the Planning Commission's Denial of Case No. 2005-62 a Request to Construct a Self Storage Facility, located west of Hoover Street and between Trask Avenue and the Garden Grove Freeway (Assessor's Parcel Numbers 096-455-02 & 096-465-24), in the PF (Public Facilities) District. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4088.

WARRANT REGISTER

- 1.16 (City Council/Redevelopment Agency) Warrant Register dated May 23, 2007 through June 5, 2007. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.17 Minutes of the Planning Commission meetings dated May 14 and 24, 2007 (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY/AUTHORITY BOARD MEMBERS REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AGENDA

June 13, 2007

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on June 6, 2007

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of June 6, 2007

- 1) Case 2007-01 Conditional Use Permit to allow for the sale of distilled spirits for off-site consumption in addition to the current sale of beer & wine for off-site consumption at an existing mini-market (J & K Market). Location: 7701 Westminster Boulevard.
- 2) Case 2007-22 Site Plan Review, Design Review, and Variance to allow the conversion of an existing industrial building into a retail building, building façade modification and parking variance. Location 15054 Moran Street.
- 3) Case 2007-45 Zone Text Amendment to exempt reflexology from the conditional use permit provision. Location: Citywide within commercially designated properties.
- 4) Case 2005-01 Amendment to previously approved project to eliminate a condition requiring the installation of decorative colored stamped concrete or pavers at the entry driveway of Lexus car dealership facility. Location: 13590 Beach Boulevard
- 5) Case 2007-29 Design Review to install wireless communications facility. Location: 14528 Edwards Street (US Storage)

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED **PINK** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

AGENDA

June 13, 2007

4. PUBLIC HEARINGS (Continued)

4.1 ADOPTION AND APPROPRIATION OF THE BUDGET FOR THE 2007-08 FISCAL YEAR. (Paul Espinoza)

Staff Report

Mayor/Chair and City Council/Agency /Authority Board Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Close Public Hearing

Mayor/Chair and Council/Agency/Authority Board Comments

Council/Agency/Authority Board Action

RECOMMENDATION: Staff recommends that the ***Mayor and City Council*** adopt:

- 1) Resolution No. 4085 entitled, “ A Resolution of the Mayor and City Council of the City of Westminster adopting and appropriating the budget for the 2007-08 fiscal year;” and
- 2) Resolution No. 4086 entitled, “A Resolution of the Mayor and City Council of the City of Westminster establishing the Article XIII B Appropriation limit for the 2007-08 fiscal year.”

RECOMMENDATION: Staff recommends that **Public Financing Authority Board** adopt:

- 1) Resolution No. 27 entitled, “A Resolution of the Westminster Public Financing Authority adopting and appropriating the budget for the 2007-08 fiscal year.”

RECOMMENDATION: Staff recommends that the ***Redevelopment Agency Board*** adopt:

- 1) Resolution No. 183 entitled, “A Resolution of the Westminster Redevelopment Agency adopting and appropriating the budget for the 2007-08 fiscal year.”

AGENDA

June 13, 2007

4. PUBLIC HEARINGS (Continued)

4.2 CASE NO. 2007-19 – AMENDMENT TO TITLE 17 (LAND USE) OF THE WESTMINSTER MUNICIPAL CODE PERTAINING TO CHAPTER 17.22.010 (E) (C1 LOCAL BUSINESS DISTRICT) ELIMINATING A PROVISION WHICH ALLOWS THE OUTDOOR DISPLAY OF THREE OR LESS ITEMS OF MERCHANDISE IN CONJUNCTION WITH A COMMERCIAL BUSINESS; LOCATION: CITYWIDE; APPLICANT: CITY INITIATED (Art Bashmakian)

Staff Report
Mayor and City Council Discussion
Open Public Hearing

Speaking in Favor
Speaking in Opposition
Speaking in Rebuttal

Close Public Hearing
Mayor and Council Member Comments
Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2415 entitled: “An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 of the Westminster Municipal Code eliminating a provision which allows for the outdoor display of three or less items of merchandise in conjunction with a commercial business,” and waive further reading

4.3 ORDINANCE NO. 2417 - AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER AMENDING CHAPTER 5.32, AMENDING CHAPTER 17.50.020, AND ADDING CHAPTER 5.34 TO THE WESTMINSTER MUNICIPAL CODE, RELATED TO THE REGULATION OF REFLEXOLOGY ESTABLISHMENTS.

Staff Report
Mayor and City Council Discussion
Open Public Hearing

Speaking in Favor
Speaking in Opposition
Speaking in Rebuttal

Close Public Hearing
Mayor and Council Member Comments
Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2417 entitled: “An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 5.32, Amending Chapter 17.50.020 and Adding Chapter 5.34 to the Westminster Municipal Code Related to the Regulation of Reflexology Establishments”, and waive further reading.

AGENDA

June 13, 2007

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports –None

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for HVAC Maintenance at the Westminster Rose Center, 14140 All American Way (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve a budget transfer of \$13,792 from the Government Buildings Fund Contingency to the Government Buildings Maintenance Fund – Contractual Service;
- 2) Approve an award of contract for HVAC Maintenance at the Westminster Rose Center to Allison Mechanical Company in the amount of \$9,816; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City; and
- 3) Approve an expenditure of \$3,976 to cover the cost of maintaining the elevator, fire alarm system, emergency power generator, and the f.o.b. system at the Westminster Rose Center for one year.

6.2 Continuance of Wireless Data Service at Police Department (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the continued use of Verizon Wireless Data Services as the provider of wireless data local area network services for the police department in an amount not to exceed \$25,000 from the Department of Justice (DOJ) Seizure Account for fiscal year 2007-08;
- 2) Approve a wireless contingency fund in an amount not to exceed \$10,000 for evolving wireless data contractual services from the Department of Justice (DOJ) Seizure Account for fiscal year 2007-08; and,
- 3) Increase the Police Seizure DOJ fiscal year 2007-08 budget by \$35,000 and authorize the transfer of funds from the Police Seizure DOJ Undesignated Unreserved Fund Balance Account to the Contractual-Other Account in the amount of \$35,000.

The total Fiscal Year 2007-08 Expenditure Budget Increase is: \$35,000.

AGENDA

June 13, 2007

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.3 2006 Justice Assistance Grant (JAG) Application and Expenditure Plan Approval (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an appropriation of \$16,914.89 for the 2006 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the fiscal year 2007-08 budget (Account No. 39910-34098); and
- 2) Approve an appropriation of \$16,914.89 to the LLEBG Fund expenditure budget for the fiscal year 2007-08 to the following line item:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
258-33910-43090	Contractual Services	\$16,914.89

The total Fiscal Year 2007-08 Expenditure Budget increase is: \$16,914.89.

6.4 2007 Justice Assistance Grant (JAG) Application and Expenditure Plan Approval (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an appropriation of \$26,385.77 for the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the fiscal year 2007-08 budget (Account No. 39910-34098); and
- 2) Approve an appropriation of \$26,385.77 to the LLEBG Fund expenditure budget for the fiscal year 2007-08 to the following line item:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
258-33910-43090	Contractual Services	\$26,385.77

The total Fiscal Year 2007-08 Expenditure Budget increase is: \$26,385.77.

6.5 Classification Specification - Economic Development Specialist (Chris Birch)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the classification specification and salary range (\$4,335 to \$5,533) for the position of Economic Development Specialist.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS –None

AGENDA

June 13, 2007

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request by the Planning Commission for a Joint Study Session with the Mayor and City Council

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the request by the Planning Commission and take appropriate action. The Council could 1) note and file the Planning Commission's request, 2) direct staff to schedule a joint study session or 3) any take other action the Mayor and City Council deem appropriate

10. COUNCIL/AGENCY ADJOURNMENT

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary